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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,647	01/10/2001	Wen-Hsiao Peng	42390.P10900	9521

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EXAMINER
LEE, RICHARD J

ART UNIT	PAPER NUMBER
2613	7

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/758,647	Applicant(s) Peng et al
	Examiner Richard Lee	Art Unit 2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jul 7, 2003*

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideratio

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-24* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☒ The proposed drawing correction filed on *Jul 7, 2003* is: a) ☐ approved b) ☒ disapproved by the Examine

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

1. The proposed drawing correction filed on July 7, 2003 has been disapproved because it is not in the form of a pen-and-ink sketch showing changes in red ink or with the changes otherwise highlighted. See MPEP § 608.02(v). The drawings are therefore still objected to for the same reasons as set forth in paragraph (2) of the last Office Action (see Paper no. 5).

In addition, the Examiner wants to address the clipping block element as shown in the proposed Figure 2 filed July 7, 2003. At page 12 of the amendment filed July 7, 2003, the applicants have stated that the clipping block element has not been labeled, and instead the applicants have provided the Examiner options to choose from in identifying the clipping block element. The applicants should however take the initiative to make the appropriate corrections to the drawings, even though they may be disapproved as in the present case since doing so would prevent any delays in the prosecution of the case. By requesting the Examiner for suggestions, the applicants are taking unnecessary extra steps in correcting the drawings. The Examiner wants to point out in general that it is up to the applicants' discretion how to make the appropriate changes to the drawings in response to a drawing objection by the Examiner, so long as there is consistency between the drawings and the Specification, the Specification has support for the changes, and there exists no new matter. With this in mind, either option indicated by the applicants at page 12 of the amendment filed July 7, 2003 would be fine so long as the requirement is satisfied. The Examiner wants to stress that the applicants should make the appropriate changes to the drawings in red ink in the respective figures so that the Examiner and draftsperson could clearly see what changes have been made to the respective figures. Further, it

is not necessary for the applicants to submit a complete set of drawings when only changes are made to Figures 2 and 6, for example, in the present case. Since the applicants are not providing formal drawings, the applicants should only submit those figures where changes have been made/corrected for Examiner approval.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-10, 12-18, and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueno et al of record (5,436,665).

Ueno et al discloses a motion picture coding apparatus as shown in Figures 1, 4, and 5, and the same article comprising a computer-readable medium which stores computer-executable instructions, method, and system as claimed in claims 1, 2, 4-10, 12-18, and 20-24, comprising the same first unit (102, 29, 103, 30-33, 35 of Figure 1) to generate a first body of data being sufficient to permit generation of a viewable video sequence of lesser quality than is represented by a source video sequence; a second unit (100, 101, 12, 17-24, 27, 104 of Figure 1) to generate a second body of data being sufficient to enhance the quality of the viewable video sequence generated from the first body of data (see column 7, line 42 to column 8, line 38), the second body of data being generated by subtracting a reconstructed body of data (i.e., output of 104 of

Figure 1) from a subsection of the source video sequence (i.e., output of 101 of Figure 1), wherein the reconstructed body of data is selected from a group of at least two separate reconstructed bodies of data (see Figure 5 and column 10, line 51 to column 11, line 40), wherein the group of at least two separate bodies of data is selected from a reconstructed first body of data (i.e., 132 of Figure 5) sufficient to permit generation of the viewable video sequence of lesser quality than is represented by the source video sequence, a reconstructed second body of data (i.e., 134 of Figure 5) sufficient to enhance the quality of the viewable video sequence generated from the first body of data, or a combination (i.e., 132-133, 140 of Figure 5, and see column 11, lines 30-40) of the reconstructed first and second bodies of data; the second body of data is generated by subtracting a reconstructed body of data (i.e., output from 104 of Figure 1) from a macroblock of the source video sequence (i.e., output of 101 of Figure 1, and see column 9, lines 38-53); wherein the second unit compares the at least two separate reconstructed bodies of data to the source video sequence to adaptively selected from the reconstructed first body of data, the reconstructed second body of data, or the combination of the reconstructed first and second bodies of data, wherein the selection of the reconstructed body of data is indicated in a syntax of a bit-stream transmitted from the system (see column 9, lines 38-53, column 10, line 51 to column 11, line 40); wherein a first set of motion vectors are used by the first unit to generate the first body of dat and the first set of motion vectors are used by the second unit to generate the second body of data (see Figure 5); and the first unit and the second unit are included on a single hardware component (see Figure 1).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno et al as applied to claims 1, 2, 4-10, 12-18, and 20-24 in the above paragraph (3), and further in view of Li of record (US 2002/0080878 A1).

Ueno et al discloses substantially the same article, method, and system, but does not particularly disclose prior to generating the second body of data generated by subtracting the reconstructed body of data from the subsection of the source video sequence, spatially reconstruct and clip the reconstructed first body of data, and spatially reconstruct and clip the reconstructed second body of data as claimed in claims 3, 11, and 19. However, Li discloses a video apparatus and method for digital video enhancement as shown in Figure 1, and teaches the conventional clipping of reconstructed bodies of data (see 135 of Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art, having the Ueno et al and Li references in front of him/her and the general knowledge of video compression processings, would have had no difficulty in providing the clipping function as taught by Li for the first and second body of data within Figure 1 of Ueno et al for the same well known adjustment of the video to prevent invalid video data purposes as claimed.

6. Regarding the applicants' arguments at pages 13-15 of the amendment filed July 7, 2003 concerning in general that Ueno teaches away from the claimed limitations by disclosing switch predictions for even and odd fields of video using a low-resolution local decoded signal and a high-resolution local decoded signal on a field by field basis, and as a result the Ueno reference clearly does not disclose, and actually teaches away from applicant's claimed limitation of "the second body of data being generated by subtracting a reconstructed body of data from a subsection of the source video sequence ...", the Examiner respectfully disagrees. It is submitted the same second body of data is being provided at the output of subtractor 12 of Figure 1 of Ueno et al. Though Ueno et al may teach switch predictions for even and odd fields of video using a low-resolution local decoded signal and a high-resolution local decoded signal on a field by field basis as argued by the applicants, it is nevertheless that the subtractor 12 of Ueno et al subtracts the same reconstructed body of data, i.e., output of 104 of Figure 1 of Ueno et al, from a subsection of the source video sequence, i.e., output of 101 of Figure 1 of Ueno et al. For the above reasons, it is further submitted that the claimed invention is rendered anticipated by Ueno et al.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE") (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

9/17/03